IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 1 9 2003

In re Patent Application of

Hiroshi SANO et al.

Application No.: 09/971,020

Filed: October 5, 2001

THEOBROMINE SYNTHASE

POLYPEPTIDE OF COFFEE PLANT AND THE GENE ENCODING SAID

POLYPEPTIDE

Group Art Unit: 1638

Examiner: Ashwin D. Mehta

Confirmation No.: 3752

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RMATION DISCLOSURE STATEMENT

NOV 2 5 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 TECH CENTER 1600/2900

Sir:

For:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

The enclosed document is submitted pursuant to 37 C.F.R. § 1.97(c). The fee required by 37 C.F.R. § 1.97(c)(2) is enclosed.

I, the undersigned, hereby state that the first publication, H. Kato et al., "Caffeine synthase gene from tea leaves," 406 NATURE 956-967 (Aug. 2000), was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Third Information Disclosure Statement.

To assist the Examiner, this document is listed on the attached form PTO-1449. It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned.

Respectfully submitted, BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 19, 2003

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Substitute for forms 1449A/PTO & 1449B/PTO

THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.	APPLICATION NO.
026350-068	09/971,020

APPLICANT

October 5, 2001

Hiroshi SANO et al.
FILING DATE

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.